

UNDER SEAL

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

 18 U.S.C. § 371
 18 U.S.C. § 922(a)(1)
 18 U.S.C. § 922(o)
 26 U.S.C. § 5861(d)

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: Imprisonment of up to 10 years, fine of \$250,000 per felony conviction, 3 years of supervised release, \$100 special assessment, forfeiture, denial of federal benefits.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

FILED
NOV - 7 2019

DEFENDANT - U.S.

SUSAN Y. SOONG

CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

William Alexis Villa

DISTRICT COURT NUMBER

CR 19 0592

VC

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Bureau of Alcohol, Tobacco, and Firearms

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW
DOCKET NO.
☐ this prosecution relates to a pending case involving this same defendant
MAGISTRATE
CASE NO.
☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form David L. Anderson

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) Barbara J. Valliere

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

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NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
Francisco Nunez-Nepita

DISTRICT COURT NUMBER

CR 19 0592 VC

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Month/Day/Year

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Date/Time: _____ Before Judge: _____

Comments:

AO 257 (Rev. 6/78)

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 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
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 NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

NOV -7 2019

DEFENDANT - U.S.

 SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTH DISTRICT OF CALIFORNIA

Erik Acevedo Cruz

DISTRICT COURT NUMBER

CR 19 0592 VC

PROCEEDING

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Bureau of Alcohol, Tobacco, and Firearms

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MAGISTRATE CASE NO.

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DATE OF ARREST

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Name and Office of Person

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Date/Time: _____ Before Judge: _____

Comments:

UNDER SEAL

United States District Court **FILED**

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

NOV -7 2019

VENUE: SAN FRANCISCO

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

VC

V.

CR 19 0592

WILLIAM ALEXIS-VILLA
FRANCISCO NUNEZ-NEPITA, and
ERIK ACEVEDO-CRUZ,

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 371 – Conspiracy to Deal in Firearms Without a License;
18 U.S.C. § and 922(a)(1)(A), and 2 – Dealing in Firearms Without a License and
Aiding and Abetting;
18 U.S.C. § 922(o), and 2 — Possession of a Machinegun and Aiding and Abetting;
26 U.S.C. § 5861 (d) — Possession of an Unregistered Firearm;
18 U.S.C. § 924(d), 28 U.S.C. § 2461 (c) - Forfeiture
Allegations

A true bill.

Foreman

Filed in open court this 7 day of

NOV 20 19

ROSE MAHER

Clerk

THOMAS S. HIXSON
UNITED STATES MAGISTRATE JUDGE

Bail, \$

NO BAIL WARRANT

DAVID L. ANDERSON (CABN 149604)
United States Attorney

UNDER SEAL

FILED

NOV -7 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VC

SAN FRANCISCO DIVISION

CR 19 0592

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIAM ALEXIS-VILLA,
FRANCISCO NUNEZ-NEPITA, and
ERIK ACEVEDO-CRUZ,

Defendants.

CASE NO.

VIOLATION:

18 U.S.C. § 371 – Conspiracy to Deal in Firearms
Without a License; 18 U.S.C. § 922(a)(1)(A), and 2 –
Dealing in Firearms Without a License and Aiding
and Abetting; 18 U.S.C. § 922(o), and 2 – Possession
of a Machinegun and Aiding and Abetting; 26 U.S.C.
§ 5861(d) – Possession of an Unregistered Firearm;
18 U.S.C. § 924(d), 28 U.S.C. § 2461(c) – Forfeiture
Allegations

Under Seal

INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 371 – Conspiracy to Deal in Firearms Without a License)

Introductory Allegations

At all times relevant to this Indictment:

1. Defendant William ALEXIS-VILLA (ALEXIS-VILLA) was a resident of Menlo Park,
California.

2. Defendant Francisco NUNEZ-NEPITA (NUNEZ-NEPITA) was a resident of East Palo
Alto, California.

INDICTMENT [UNDER SEAL]

5. At all times relevant to this Indictment, none of the defendants named herein were licensed to import, manufacture, or deal firearms under the provision of Chapter 44, Title 18, United States Code.

6. Beginning at a time unknown to the Grand Jury, but no later than on or about June 18, 2019, and continuing to on or about November 7, 2019, in the Northern District of California, the defendants,

not being licensed importers, licensed manufacturers, and licensed dealers of firearms, within the meaning of Chapter 44, Title 18, United States Code, did unlawfully and knowingly combine, conspire, and agree together and with each other to commit an offense against the United States, specifically, dealing in firearms without a license, in violation of Title 18, United States Code, Section 922(a)(1)(A).

7. Defendants ALEXIS-VILLA, NUNEZ-NEPITA, and ACEVEDO-CRUZ would obtain firearms for the purpose of illegally selling and purchasing firearms to sell in the Northern District of California. During the timeframe referenced in this Indictment, defendants ALEXIS-VILLA, NUNEZ-NEPITA, and ACEVEDO-CRUZ repeatedly met with a third-party purchaser to conduct firearms sales.

8. Defendants ALEXIS-VILLA, NUNEZ-NEPITA, and ACEVEDO-CRUZ advertised, negotiated, and/or conducted firearms sales in a variety of ways, including in person at the residence of ALEXIS-VILLA, via text messages, and via Instagram. At various times, ALEXIS-VILLA and ACEVEDO-CRUZ described to the third-party purchaser their ready access to a variety of firearms for

1 sale.

2 Overt Acts

3 9. In furtherance of the conspiracy, and to accomplish its objects, the defendants and others
4 committed various overt acts in the Northern District of California and elsewhere, including but not
5 limited to the following:

6 (a) On or about August 6, 2019, FRANCISCO NUNEZ-NEPITO advertised on his
7 Instagram account that he has a firearm for sale.

8 (b) On or about August 6, 2019, FRANCISCO NUNEZ-NEPITO and the third-party
9 purchaser communicated via text message. During those communications, FRANCISCO NUNEZ-
10 NEPITO stated that he has a “fully” automatic Glock firearm for sale for \$1400. FRANCISCO
11 NUNEZ-NEPITO sent a photograph of the firearm to the third-party purchaser via text message.

12 (c) On or about August 6, 2019, NUNEZ-NEPITO informed the third-party purchaser
13 that his “friend” would conduct the transaction that day.

14 (d) On or about August 6, 2019, ALEXIS-VILLA and the third-party purchaser
15 traveled to ALEXIS-VILLA’s residence in Menlo Park (hereafter, “the residence”) to complete the
16 firearm transaction. While en route, ALEXIS-VILLA provided a list of the firearms that he could obtain
17 for sale in the future, including “fully automatic” weapons.

18 (e) On or about August 6, 2019, ALEXIS-VILLA provided the third-party purchaser
19 with a Glock firearm with a “switch” and nine rounds of ammunition in exchange for \$1400.

20 (f) On or about August 6, 2019, ALEXIS-VILLA informed the third-party purchaser
21 that, in the future, he wants to communicate via Instagram because he fears that the police can get access
22 to his telephone records.

23 (g) On or about August 6, 2019, after the firearm transaction, ALEXIS-VILLA
24 confirmed that he can supply additional firearms for sale.

25 (h) On or about August 13, 2019, ALEXIS-VILLA communicated with the third-
26 party purchaser via his Instagram account to negotiate the sale of additional firearms. In those
27 communications, ALEXIS-VILLA transmitted photographs to the third-party purchaser of the firearms
28 he was seeking to sell.

(i) On or about August 13, 2019, ALEXIS-VILLA arranged to meet with the third-party purchaser at the residence to sell two firearms to the third-party purchaser.

(j) On or about August 13, 2019, before the third-party purchaser arrived, ACEVEDO-CRUZ arrived at the residence and delivered firearms to ALEXIS-VILLA.

(k) On or about August 13, 2019, ACEVEDO-CRUZ and ALEXIS-VILLA met with the third-party purchaser at the residence in Menlo Park, and sold the third-party purchaser two rifles in exchange for \$3400.

(l) On or about August 13, 2019, after the transaction, ACEVEDO-CRUZ told the third-party purchaser that he could obtain more firearms for the third-party purchaser.

(m) On or about October 10, 2019, ALEXIS-VILLA contacted the third-party purchaser via Instagram and informed the third-party purchaser that ALEXIS-VILLA had a Glock handgun for sale. ALEXIS-VILLA sent to the third-party purchaser via Instagram a photograph of himself and ACEVEDO-CRUZ holding the firearms that they wanted to sell.

(n) On or about October 10, 2019, ACEVEDO-CRUZ texted the third-party purchaser and informed the third-party purchaser that he would conduct the firearms transaction at the residence.

(o) On or about October 10, 2019, the third-party purchaser met ACEVEDO-CRUZ at the residence and ACEVEDO-CRUZ provided the third-party purchaser with three firearms in exchange for \$3,500.

(p) On or about October 10, 2019, after the transaction, WILLIAM ALEXIS-VILLA texted the third-party purchaser the following message: "hope you like un."

All in violation of Title 18, United States Code, Sections 371 and 922(a)(1)(A).

COUNT TWO – (18 U.S.C. §§ 922(a)(1)(A), and 2 – Dealing in Firearms Without a License, Aiding and Abetting)

10. Beginning on a date unknown to the Grand Jury, but no later than June 18, 2019, and continuing to on or about November 7, 2019, in the Northern District of California, the defendants,

WILLIAM ALEXIS-VILLA,
FRANCISCO NUNEZ-NEPITA, and
ERIK ACEVEDO-CRUZ,

not being licensed dealers of firearms within the meaning of Chapter 44, Title 18, United States Code, did willfully engage in the business of dealing in firearms, and did aid and abet each other in the same.

All in violation of Title 18, United States Code, Sections 922(a)(1)(A), 923(a), 924(a)(1)(D), and 2.

COUNT THREE: (18 U.S.C. § 922(o), and 2 – Possession of a Machinegun, Aiding and Abetting)

On or about August 6, 2019, in the Northern District of California, the defendants,

WILLIAM ALEXIS-VILLA, and
FRANCISCO NUNEZ-NEPITA,

knowingly and unlawfully possessed, or aided and abetted the possession of, a machinegun (any part designed and intended solely and exclusively for use in converting a weapon into a weapon that shoots and is designed to shoot automatically more than one shot, without manual reloading, by a single function of the trigger), specifically, a device commonly known as a “Glock switch.”

All in violation of Title 18, United States Code, Section 922(o).

COUNT FOUR: (26 U.S.C. §§ 5861(d) – Possession of Unregistered Firearm)

On or about August 6, 2019, in the Northern District of California, the defendant,

WILLIAM ALEXIS-VILLA,

did knowingly and unlawfully possess a machinegun (any part designed and intended solely and exclusively for use in converting a weapon into a weapon that shoots and is designed to shoot automatically more than one shot, without manual reloading, by a single function of the trigger), specifically, a device commonly known as a “Glock switch,” which was not registered in the National Firearms Registration and Transfer Record.

All in violation of Title 26, United States Code, Section 5861(d).

COUNT FIVE: (26 U.S.C. § 5861(d) – Possession of Unregistered Firearm)

On or about August 13, 2019, in the Northern District of California, the defendant,

WILLIAM ALEXIS-VILLA,

did knowingly possess a firearm, to wit, one black, short barreled rifle, serial number N002830, with a barrel less than 16 inches in length and an overall length of less than 26 inches, knowing that the barrel

1 was less than 16 inches in length and the overall length was less than 26 inches, which was not
2 registered in the National Firearms Registration and Transfer Record.

3 All in violation of Title 26, United States Code, Section 5861(d).

4 COUNT SIX: (26 U.S.C. § 5861(d) – Possession of Unregistered Firearm)

5 On or about August 13, 2019, in the Northern District of California, the defendant,

6 ERIC ACEVEDO-CRUZ,

7 did knowingly possess a firearm, to wit, one black, short barreled rifle, serial number N002830, with a
8 barrel less than 16 inches in length and an overall length of less than 26 inches, knowing that the barrel
9 was less than 16 inches in length and the overall length was less than 26 inches, which was not
10 registered in the National Firearms Registration and Transfer Record.

11 All in violation of Title 26, United States Code, Section 5861(d).

12 FORFEITURE ALLEGATION: (18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c))

13 The allegations contained in the sole count of this Indictment are re-alleged and incorporated by
14 reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d)
15 and Title 28, United States Code, Section 2461(c).

16 Upon conviction of the offense set forth in this Indictment, the defendant,

17 WILLIAM ALEXIS-VILLA,
18 FRANCISCO NUNEZ-NEPITA, and
ERIK ACEVEDO-CRUZ,

19 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d) and Title 28,
20 United States Code, Section 2461(c), any firearm and ammunition involved in the commission of the
21 offense, including, but not limited to, the following property:

- 22 a. Rugar Mini 14 Ranch Rifle, serial number 18751332;
- 23 b. 3 .223 caliber magazine;
- 24 c. P80 .40 caliber Glock, no serial number;
- 25 d. 9 rounds of .40 caliber ammunition;
- 26 e. AR style short-barreled rifle, serial number N002830;
- 27 f. AR style rifle, no serial number;
- 28 g. 2 magazines of .223 ammunition;

- h. Taurus International PT735 handgun, serial number ID072371;
- i. Glock 48 handgun, serial number BLBH160;
- j. A Glock style handgun with polymer frame, no serial number; and
- k. 26 rounds of .40 caliber ammunition.

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to Title 18, United States Code, Section 924(d), Title 28, United States Code, Section 2461(c), and Federal Rule of Criminal Procedure 32.2.

DATED:

7 NOV 2019

A TRUE BILL.



FOREPERSON
San Francisco

DAVID L. ANDERSON
United States Attorney


BARBARA J. VALLIERE
Assistant United States Attorney

FILED**NOV -7 2019**SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIAUNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**UNDER SEAL****CRIMINAL COVER SHEET**

Instructions: Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

CASE NAME:

USA v. WILLIAM ALEXIS-VILLA et al

CASE NUMBER:

CR 19 0592**VC**

Is This Case Under Seal?

Yes ☒ No

Total Number of Defendants:

1 2-7 ☒ 8 or moreDoes this case involve ONLY charges
under 8 U.S.C. § 1325 and/or 1326?Yes No ☒

Venue (Per Crim. L.R. 18-1):

SF ☒ OAK SJ

Is this a potential high-cost case?

Yes No ☒Is any defendant charged with
a death-penalty-eligible crime?Yes No ☒

Is this a RICO Act gang case?

Yes No ☒

Assigned AUSA

(Lead Attorney): AUSA Barbara J. Valliere

Date Submitted: 11/07/2019

Comments:

CR 19-592 VC